



# OFFICIAL COMPLAINT FORM

Missouri Ethics Commission  
PO Box 1370  
Jefferson City, MO 65102-1370

Section 105.957, RSMo states that the Commission shall receive any complaints alleging violations of the provisions of:

- 1) The requirements imposed on lobbyists by section 105.470 to 105.478;
- 2) The financial interest disclosure requirements contained in sections 105.483 to 105.492;
- 3) The campaign finance disclosure requirements contained in chapter 130, RSMo;
- 4) Any code of conduct promulgated by any department, division or agency of state government, or by state institutions of higher education, or by executive order;
- 5) The conflict of interest laws contained in sections 105.450 to 105.467 and section 171.181, RSMo; and
- 6) The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

This complaint shall contain all the facts known to the person bringing the complaint that give rise to the complaint.

This complaint shall be sworn to under penalty of the crime of perjury.

Within 5 days of receipt of this complaint, the Commission will send a copy of this complaint, including the name of the person bringing this complaint, to the person, organization or campaign committee against whom the complaint is brought.

Note: According to Missouri State Law, the Commission shall dismiss any complaint which is frivolous in nature, as lacking any basis in fact or law. Any person who submits a frivolous complaint shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. A finding by the Commission that a complaint is frivolous or without probable cause shall be a public record.

**THIS FORM MUST BE RETURNED BY MAIL OR HAND-DELIVERED. FAXED COPIES OR EMAILS WILL NOT BE ACCEPTED.**

## PART 1 - PERSON BRINGING COMPLAINT:

NAME: <b>Chuck Graham</b>		DATE OF COMPLAINT: <b>3/11/2019</b>	
ADDRESS: <b>102 West Green Meadows</b>			
CITY: <b>Columbia</b>	STATE: <b>MO</b>	COUNTY: <b>Boone</b>	ZIP: <b>65203</b>
CONTACT PHONE NUMBER/S: (HOME)	(WORK) <b>573-882-6999</b>	(CELL) <b>573-808-4008</b>	
TITLE OF OFFICE HELD OR SOUGHT (IF APPLICABLE): <b>Treasurer, Treece for Mayor, MEC ID C151225</b>			

## PART 2 - ORGANIZATION OR CAMPAIGN COMMITTEE AND INDIVIDUAL(S) OR POSITION(S) AGAINST WHOM

### THIS COMPLAINT IS BEING BROUGHT AGAINST:

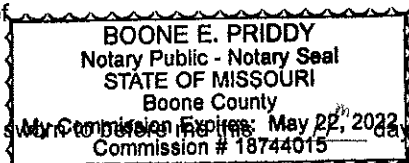
NAME: <b>Friends of Chris Kelly, MEC ID C180680, Natalie Krawitz, Treasurer</b>			
ADDRESS: <b>1400 Forum Blvd, Suite 7A #346</b>			
CITY: <b>Columbia</b>	STATE: <b>MO</b>	COUNTY: <b>Boone</b>	ZIP: <b>65203</b>
CONTACT PHONE NUMBER/S: (HOME) <b>573-489-0684</b>	(WORK) <b>573-874-3917</b>		
TITLE OF OFFICE HELD OR SOUGHT (IF APPLICABLE): <b>Mayor, City of Columbia</b>			
DATE OF ELECTION (IF APPLICABLE): <b>4/2/2019</b>		CHECK ELECTION TYPE (IF APPLICABLE): <input type="checkbox"/> Primary <input type="checkbox"/> General	

### VERIFICATION BY OATH OR AFFIRMATION

STATE OF MISSOURI  
COUNTY OF Boone

I, **Chuck Graham**

, being duly sworn upon oath and affirmation legally administered, certify under penalty of perjury that the foregoing information in this complaint is complete, true, and correct, to the best of my knowledge and belief.



Subscribed and sworn to before me this 11 day of March, 2019.  
My Commission Expires: May 22, 2022

*[Signature]*  
Signature of Complainant

*[Signature]*  
Notary Public

**PART 3 - STATEMENT OF FACTS:**

State in your own words the detailed facts and the actions of the candidate or organization named in part two which prompted you to make this complaint. The space provided below is not intended to limit your statement of facts. Please use additional sheets if necessary. Include relevant dates and times, and the names and addresses of other persons whom you believe have knowledge of the facts and attach hereto copies of any documentary evidence that supports the facts alleged in the complaint.

Please check the box next to the area that the complaint concerns.

- ☐ 1. The requirements imposed on lobbyists by sections 105.470 to 105.478.
- ☐ 2. The financial interest disclosure requirements contained in sections 105.483 to 105.492.
- ☒ 3. The campaign finance disclosure requirements contained in chapter 130, RSMo.
- ☐ 4. Any code of conduct promulgated by any department, division or agency of state government, or by state institution of higher education, or by executive order.
- ☐ 5. The conflict of interest laws contained in sections 105.450 to 105.467 and section 171.181, RSMo.
- ☐ 6. The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

**PLEASE STATE THE FACTS BELOW:**

As detailed in the attached description, Friends of Chris Kelly accepted a prohibited contribution of \$950 from Columbia Marketing Group on February 16, 2019.

The prohibited contribution violates Missouri's campaign finance disclosure requirements because (a) Columbia Marketing Group does not exist as an independent legal entity (b) the contribution from Columbia Marketing Group conceals the actual source of the contribution; (c) candidates are prohibited from accepting contributions from corporations; (d) the disclosure does not reflect the fair market value of the disclosed "in-kind" contribution; and (e) Columbia Marketing Group is continuing to provide prohibited contributions to Friends of Chris Kelly not reflected on the February 22, 2019 report.

Also, the 40-day report was filed late. It was due on February 21, 2019 and not filed until February 22, 2019.

- ☐ YES Are any of the matters alleged by you the subject of civil or criminal litigation? If yes, please provide the county and case number if known by you.
- ☒ NO

**Friends of Chris Kelly accepted a prohibited contribution from Columbia Marketing Group on February 16, 2019.**

**FACTS:**

1. According to the 40-day Before Report on February 22, 2019, Friends of Chris Kelly reported a \$950 in-kind contribution from Columbia Marketing Group on February 16, 2019.
2. According to the Columbia Missourian on February 22, 2019:  
*"The largest in-kind donation was for \$950 and came from the Columbia Marketing Group, which Kelly said is handling internet communications and internet advertisements for the campaign."*
3. According to Article VIII, §23.3(7) No contribution shall be made or accepted, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee.
4. Columbia Marketing Group, Inc. was dissolved in 1991. Columbia Marketing Group is not a legal entity authorized to make monetary or in-kind contributions to Candidate Committees. Below is a snapshot of the status of the Columbia Marketing Group, Inc. from the Missouri Secretary of State's website:

<b><u>COLUMBIA MARKETING GROUP, INC.</u></b>	<u>00351356</u>	Gen. Business - For Profit (Domestic)	Voluntarily Dissolved	3/26/1991	<u>GARY P. MCLAGAN</u>
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5. Because Columbia Marketing Group is not registered with the Missouri Secretary of State as a Limited Liability Corporation or Fictitious Name, Friends of Chris Kelly cannot accept a contribution from Columbia Marketing Group because it conceals the identity of the actual source of the contribution.
6. Article VIII, §23.3(3)(a) prohibits corporations from making monetary or in-kind contributions to Candidate committees.
7. Columbia Marketing Group is tethered to the Business Times Company, a for-profit business corporation in the State of Missouri.

Columbia Marketing Group and The Business Times Company share the same principal place of business and corporate headquarters at 2001 Corporate Place, Columbia, MO 65202, and share the same President, Erika Pefferman.

Here is the address disclosed for Columbia Marketing Group on the February 22, 2016 report:

NAME:			
ADDRESS:	Columbia Marketing Group	2/16/2019	\$ 950.00
CITY/STATE:	2001 Corporate Pl		
EMPLOYER:	Columbia MO 65202	\$ 950.00	<input type="checkbox"/> MONETARY
<input type="checkbox"/> COMMITTEE:			<input checked="" type="checkbox"/> IN-KIND

AND:

According to the Columbia Business Times press release issued on October 17, 2017:

*Business Times Interactive, formerly the digital marketing division of The Business Times Company, is now a full-service, standalone advertising agency: Columbia Marketing Group.*

*... Erica Pefferman, currently the president of The Business Times Company, will also serve as president of CMG.*

<http://columbiabusinesstimes.com/2017/10/17/press-release-columbia-marketing-group-new-advertising-agency-mid-missouri/>

In the 2018 biennial registration report filed by The Business Times Company, Erica Pefferman is disclosed as President and the address of The Business Times Company is shown as 2001 Corporate Place, Columbia, MO 65202, the same address as disclosed for Columbia Marketing Group on the February 22, 2019 report:

<b>John R. Ashcroft Secretary of State</b> <b>2018-2019 BIENNIAL REGISTRATION REPORT</b> BUSINESS		<b>00396700</b> <b>Date Filed: 2/13/2018</b> <b>John R. Ashcroft</b> <b>Missouri Secretary of State</b>	
<input checked="" type="checkbox"/> I ELECT TO FILE A BIENNIAL REGISTRATION REPORT			
* SECTION 1, 3 & 4 ARE REQUIRED			
REPORT DUE BY: <u>4/30/2018</u>		RENEWAL MONTH: JANUARY <input type="checkbox"/> I OPT TO CHANGE THE CORPORATION'S RENEWAL MONTH TO FOR A \$25.00 FEE	
00396700 THE BUSINESS TIMES COMPANY RENEA A. SAPP 2001 CORPORATE PLACE, SUITE 100 COLUMBIA MO 65202		1 PRINCIPAL PLACE OF BUSINESS OR CORPORATE HEADQUARTERS: * 2001 Corporate Place, Suite 100 (Required) STREET Columbia MO 65202 CITY / STATE ZIP	
2 If changing the registered agent and/or registered office address, please check the appropriate box(es) and fill in the necessary information. <input type="checkbox"/> The new registered agent IF CHANGING THE REGISTERED AGENT, AN ORIGINAL WRITTEN CONSENT FROM THE NEW REGISTERED AGENT MUST BE ATTACHED AND FILED WITH THIS REGISTRATION REPORT. <input type="checkbox"/> The new registered office address Must be a Missouri address, PO Box alone is not acceptable. This section is not applicable for Banks, Trusts and Foreign Insurance.			
<b>OFFICERS</b> NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE). <u>MUST LIST PRESIDENT AND SECRETARY BELOW</u>		<b>BOARD OF DIRECTORS</b> NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE). <u>MUST LIST AT LEAST ONE DIRECTOR BELOW</u>	
<b>A</b> <u>PRESIDENT</u> Pefferman, Erica R STREET 805 Bingham Road CITY/STATE/ZIP Boonville MO 65233		<b>B</b> <u>NAME</u> Pefferman, Erica R STREET 805 Bingham Road CITY/STATE/ZIP Boonville MO 65233	

8. The Business Times Company is a for-profit general business corporation that is prohibited from making contributions to a Candidate Committee under Article VIII, §23.3(3)(a). Below is a brief history of the corporation as disclosed in documents filed with the Missouri Secretary of State.

a. July 1994, Fred and Melody Parry register "Columbia Business Times" as a fictitious name of Parry Publishing, Inc. Darwin Hindman notarized the form.

b. May 31, 1994 – Articles of Incorporation for Parry Publishing, Inc. are filed with the Secretary of State Judy Moriarty. Darwin Hindman is listed as the sole-incorporator.

- c. From 1994 to 1999, Annual Registration Statements reveal that Fred and Melody Parry are the only officers.
  - d. April 13, 2000 Annual registration statement shows Fred Parry, President, Dave Baugher, VP, Renea Sapp – Secretary, and Melody Parry – Treasurer; with Board of Directors consisting of Fred and Melody Parry, John Ott, Al Germond, and David Baugher.
  - e. May 2000 – Parry Publishing, Inc. changes its registered agent from Darwin Hindman to Gary Oxenhandler.
  - f. Jan 21, 2005 – Fred and Melody Parry resign as officers, directors and employees
  - g. April 2005 – Annual registration shows Dave Baugher as President, John Ott as VP, Renea Sapp as Secretary and Treasurer; Board of Directors Alan M Germond, James David Baugher, John E Ott, and Renea Sapp
  - h. April 2005 – Change in registered agent from Gary Oxenhandler to Renea Sapp
  - i. August 3, 2005 – Change in name from Parry Publishing, Inc. to The Business Times Company – Paperwork prepared by H.A. “Skip” Walther
  - j. April 2006 – Annual Registration shows Dave Baugher as President, Christian Harrison (new) as VP, Renae Sapp as Sec/Treas; Board of Directors consist of Alan M. Germond, Dave Baugher, and Renae Sapp. John Ott is no longer shown on the board or as an officer. These officers remain the same in annual/biennial filings through 2012
  - k. April 2014 – Christian Harrison shown as President; Renae Sapp as VP/Secretary. Board remains unchanged from the 2006 directors..
  - l. April 2016 – Erica Pefferman shown as President; Renae Sapp as VP/Secretary; Board shown as Alan Germond, Dave Baugher, Erica Pefferman, and Renae Sapp.
  - m. October 2017 – Columbia Business Times announces Erica Pefferman, president of The Business Times Company, will also serve as president of Columbia Marketing Group.
  - n. April 2018 – The Business Times Company has the same officers and directors as shown in April 2016.
- 9. Some of the individuals who have been disclosed as incorporators, officers, directors, and registered agents of The Business Times Company have contributed individually to Friends of Chris Kelly and are disclosed on prior campaign finance reports.
  - 10. Columbia Marketing Group as a division of The Business Times Company is prohibited from making a monetary or in-kind contribution to Friends of Chris Kelly under Article VIII, §23.3(3)(a).
  - 11. The fair market value of the services that Columbia Marketing Group has provided to Friends of Chris Kelly exceeded the \$950 disclosed on the February 22 report.
  - 12. Columbia Marketing Group has continued to produce what the candidate described as “*internet communications and internet advertisements for the campaign*” since the February 22 report. These prohibited contributions represent a continuous and ongoing violation of the state’s campaign finance restrictions.